

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNTHIA L. BAUMGARTNER,)	
)	
Plaintiff,)	Case No. 2:21-CV-01697-JHC
)	
v.)	STIPULATED MOTION TO DISMISS
)	PLAINTIFF’S IFCA CAUSES OF
STATE FARM MUTUAL AUTOMOBILE)	ACTION WITH PREJUDICE AND
INSURANCE COMPANY, LINDA FRIAS)	[PROPOSED] ORDER
AND “JOHN DOE” FRIAS)	
)	Noted for: February 23, 2023
Defendant.)	

I. STIPULATED MOTION

IT IS HEREBY STIPULATED by and between the parties as follows:

1. Defendant State Farm Mutual Automobile Insurance Company (“State Farm”) filed a Motion for Summary Judgment as to Plaintiff’s Cause of Action for Violation of the Insurance Fair Conduct Act (“IFCA MSJ”). ECF No. 52. The IFCA MSJ remains pending at present.
2. Plaintiff Cynthia L. Baumgartner (“plaintiff”) agrees that State Farm is entitled to the relief requested by the IFCA MSJ.
3. Plaintiff’s IFCA causes of action against State Farm do not concern defendants Linda Frias and “John Doe” Frias.

4. Consequently, the parties stipulate and agree that any and all claims or causes of action by plaintiff against defendant State Farm for violation of the Insurance Fair Conduct Act should be dismissed with prejudice.

DATED: February 23, 2023.

<p><i>Attorneys for Plaintiff:</i></p> <p>JJRYAN LAW PLLC</p> <p>By: <u>s/John J. Ryan</u> John J. Ryan, WSBA No. 14197 E-Mail: jjryanlaw@gmail.com</p>	<p><i>Attorneys for State Farm Mutual Automobile Insurance Company:</i></p> <p>JENSEN MORSE BAKER PLLC</p> <p>By: <u>s/Steven D. Jensen</u> Steven D. Jensen, WSBA No. 26495 E-mail: steve.jensen@jmbllawyers.com</p>
<p><i>Attorneys for Defendant Frias:</i></p> <p>LEE SMART PS INC.</p> <p>By: <u>s/Pedro Melesio</u> Levi L. Bendele III, WSBA No. 26411 Pedro Melesio, WSBA No. 51322 E-Mail: lb@leesmart.com pm@leesmart.com</p>	

II. ORDER

Pursuant to the Stipulated Motion above, it is hereby ORDERED that:

1. Any and all claims or causes of action by plaintiff against defendant State Farm Mutual Automobile Insurance Company for violation of the Insurance Fair Conduct Act are DISMISSED WITH PREJUDICE.

2. Defendant State Farm Mutual Automobile Insurance Company's Motion for Summary Judgment as to Plaintiff's Cause of Action for Violation of the Insurance Fair Conduct Act (ECF No. 52) is STRICKEN as moot in light of the forgoing dismissal with prejudice.

DATED: February 23, 2023


JOHN H. CHUN
United States District Court Judge

Presented by:

<p><i>Attorneys for Plaintiff:</i></p> <p>JJRYAN LAW PLLC</p> <p>By: <u>s/John J. Ryan</u> John J. Ryan, WSBA No. 14197 E-Mail: jjryanlaw@gmail.com</p>	<p><i>Attorneys for State Farm Mutual Automobile Insurance Company:</i></p> <p>JENSEN MORSE BAKER PLLC</p> <p>By: <u>s/Steven D. Jensen</u> Steven D. Jensen, WSBA No. 26495 E-mail: steve.jensen@jmblawyers.com</p>
<p><i>Attorneys for Defendant Frias:</i></p> <p>LEE SMART PS INC.</p> <p>By: <u>s/Pedro Melesio</u> Levi L. Bendele III, WSBA No. 26411 Pedro Melesio, WSBA No. 51322 E-Mail: lb@leesmart.com pm@leesmart.com</p>	

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned certifies, under penalty of perjury under the laws of the United States of America and the State of Washington, that on the 23rd day of February, 2023, the document attached hereto was delivered to the below counsel in the manner indicated.

John J. Ryan
JJRyan Law PLLC
915 Trosper Road SW; Suite 101
Tumwater, WA 98512
jjryanlaw@gmail.com

Counsel for Plaintiff

- ☒ Via CM/ECF
- ☒ Via electronic mail
- ☐ Via U.S. Mail, postage prepaid
- ☐ Via Facsimile
- ☐ Via Courier
- ☐ Via Overnight delivery

Levi L. Bendele III
Pedro Melesio
Lee Smart PS Inc.
701 Pike Street; Suite 1800
Seattle, WA 98101
lb@leesmart.com
pm@leesmart.com

- ☒ Via CM/ECF
- ☒ Via electronic mail
- ☐ Via U.S. Mail, postage prepaid
- ☐ Via Facsimile
- ☐ Via Courier
- ☐ Via Overnight delivery

*Counsel for Defendants Linda Frias and
"John Doe" Frias*

DATED this 23rd day of February, 2023.

By s/ Steven D. Jensen
Steven D. Jensen